



1st WORLD ENFORCED CONGRESS ON DISAPPEARANCES

15&16
JANUARY
2025



Closing ceremony of the 1st World Congress on Enforced Disappearances

Closing address by Prof. Emmanuel Decaux

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Committee on Enforced Disappearances

16 January 2025, Geneva

Good afternoon everyone,

I am going to start with the easiest and most pleasant part, which is to thank all the participants and all those who have contributed to the success of this meeting.

Earlier, Claire Callejon introduced her team – with Tatiana Avanthay, Nordine Drici, Jeanne Hirschberger and Ramla Liatouji – but she did not introduce herself! We owe her our warmest thanks. From the outset, she has been key to the organization of the Congress, with as much conviction as efficiency. Marina Eudes, the treasurer of the Convention against Enforced Disappearances Initiative, has also made a very active contribution to the success of this meeting, including in the final hours.

Many thanks to the interpreters as well. Without them, we would be a sort of Tower of Babel where we could not understand each other, although much communication passes between us through emotion and empathy.

I believe that the first success of this adventure is that this Congress has been able to take place at a time when the winds against human rights are multiplying. We have been dreaming of this event for a long time. Earlier, someone reminded me that Nicole Questiaux, as early as the 1970s – when the Sub-Commission on Human Rights began to address the issue of enforced disappearances with the Condor Plan – was already hoping for a world congress on enforced disappearances. Today, we have been able to experience this extraordinary Congress together. Bringing together so many people, with so many painful experiences, and so many courageous commitments, from all corners of the world, reflects a richness, a diversity, and an intensity of participation that is truly remarkable. This is a success in itself. Strong messages have been conveyed, and contacts have been established or re-established, because each of us works a little in silo, due to the lack of resources or interaction. So, to have been able to bring so many people together for two days of exchanges is an achievement in itself.

Promises have been made by many actors, not just pledges but hopefully genuine commitments. We will need to monitor these commitments very closely to ensure that promises are fulfilled and that this Congress, which is part of a whole process, is followed upon with results. I hope there will be a second Congress – some have announced it, and we all hope it will happen. We will have to consider its timing, but I believe that from now on we need to mobilize so that the intensity and density of our exchanges are extended, with the



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help of new means of communication. I hope that a dedicated website will enable us to pursue our exchanges, upload documents and information online, and continue to mutually enrich our shared knowledge. This collective mobilization must be sustained and expanded.

I would like to come back to a few simple ideas I put forward at the opening ceremony.

CONTINUITY

I spoke of continuity. There is a continuity of commitment, a continuity of efforts. Earlier, Mary Aileen Bacalso quoted Bernard Kessedjian, who chaired the Working Group of the Commission on Human Rights during the diplomatic negotiations, playing a decisive role in speeding up the adoption of the Convention. Yesterday, at the opening ceremony, Ambassador Isabelle Rome cited the role of Louis Joinet, who was an example to many of us. I believe that these names and so many others resonate in our hearts.

But there is also a continuity of tragedy. As we have seen, the past does not pass, and the past weighs on the present in every way. The Committee on Enforced Disappearances, even though it is only competent to deal with States once the Convention has entered into force, swiftly took the measure of this dimension of the past, the consequences of which are very present and very heavy. This is an essential point. In legal terms, we speak of a “continuing crime”, of a “crime for which there is no statute of limitations”, but we saw clearly during the Congress that the victims are intergenerational, with very important panel on children victims of enforced disappearance, which underlined the weight of trauma, as Maria-Giovanna Bianchi pointed out. Here too, the Working Group on Enforced or Involuntary Disappearances has adopted some very important general observations on children who are victims on multiple grounds, and on the issue of generations. And it is an excellent initiative to set up a network of young people and continue this intergenerational dynamic.

Beyond that, whole societies and communities are affected. We need to go back to Louis Joinet's principles on the right to justice and the fight against impunity, with four major components: the right to justice, the right to truth, the right to reparation, and the right to non-repetition. These are not empty words; they are major principles that are spelled out very precisely and systematically. One of the original features of the 2006 Convention is that these principles are enshrined not only in its preamble but among the “rights of victims” as defined in Article 24 of the treaty. What is also important is that these principles are alive and well, since the Human Rights Council has had a Special Rapporteur on truth, justice and reparation dedicated to this issue for the past twelve years. Remarkably, Fabián Salvioli, who has just completed six years as Special Rapporteur – having been Chair of the Human Rights Committee and who was particularly vigilant on the issue of enforced disappearances – and his successor Bernard Duhaime – previously Chair-Rapporteur of the Working Group on Enforced or Involuntary Disappearances – have developed a synergy between these mandates, through their visits and reports, and the work of both the Committee on Enforced Disappearances and of the Working Group.

COHERENCE



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In this respect, I also mentioned the need for coherence, and I believe that the centrality of the Convention on Enforced Disappearances has been strongly reiterated, including a moment ago.

At certain times, regional organizations wanted to set up specific instruments, and it is a good thing that the Latin American States adopted an *Inter-American Convention on Forced Disappearance of Persons* as early as 1994 in Belem, which remains a leading model on many subjects, as does the Declaration adopted by the General Assembly on 8 December 1992. In the early 2010s, the members of the Parliamentary Assembly of the Council of Europe wanted to draw up a regional convention, at the moment the International Convention for the Protection of All Persons from Enforced Disappearance came into force. It was a pointless waste of energy, as it was difficult to go further than the universal model, especially as the case law of the European Court of Human Rights had already highlighted the systematic violations attributable to several States Parties. From the outset, the Committee on Enforced Disappearances has been very vigilant in defending the universality of the United Nations Convention, and I am very pleased that the latest resolutions of the Parliamentary Assembly of the Council of Europe, in particular the [resolution](#) adopted following Senator André Gattolin's excellent 2022 report, "*Ending Enforced Disappearances on the Territory of the Council of Europe*", mark the firm, complete and unreserved support of the Council of Europe's Member States to the universality of the Convention. I am also delighted that Commissioner Idrissa Sow – who chairs the Working Group on Death Penalty, Extra-Judicial, Summary or Arbitrary Killings and Enforced Disappearances of the African Commission on Human and Peoples' Rights – has told us today that for the African system, the universal reference of the International Convention is fundamental. I therefore believe that universality and subsidiarity are very well articulated in this field today.

Similarly, there is a very strong complementarity between the Committee on Enforced Disappearances and the Working Group on Enforced or Involuntary Disappearances. From the outset, we took the view that there were not ten members of the Committee on the one hand and five members of the Working Group on the other, but that the fifteen experts were called upon to work in the same direction, if only through joint annual meetings in Geneva, or contacts between the two chairmen in New York during the presentation of their annual reports at the same session of the Third Committee of the General Assembly. These contacts and exchanges then had to be extended in concrete terms, on questions of method – the articulation of procedures or the work timetable – and on questions of substance. It is up to the Committee to interpret the Convention, but it cannot do so without taking into account the practice of the Working Group. This implies, in particular, a joint reflection when preparing general comments or substantive declarations.

A few years ago, the Working Group organized an important seminar in Morocco, with the participation of many NGOs, on the issue of non-State actors, which is covered by Article 3 of the Convention. More recently, in 2023, the Committee on Enforced Disappearances elaborated a [Statement on non-State actors](#) in the context of the Convention (CED/C/10), focusing on the attribution of crimes against humanity under Article 5, in the light of the Rome Statute. This clarification is welcome, but there are still many uncertainties as to the scope of Article 3 within the domestic framework that a State Party may define. The same applies to the issue of missing persons, which is in many respects closely linked to the issue of enforced



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disappearances, given the International Committee of the Red Cross' own experience, particularly in terms of tracing and identifying people. Indeed, in 2019, the Committee on Enforced Disappearances adopted [Guiding principles for the search for disappeared persons](#) (CED/C/7) based on the experience of urgent appeals to complement the 2016 Minnesota Protocol on the investigation of extrajudicial executions. In all these fields, even when based on different parameters, it is essential that all the actors involved have the same discourse and vision, so as not to blur the message.

CONSISTANCY

I would also like to add, as it is too often forgotten, that the specificity of the Convention on Enforced Disappearance represents a major step forward in international positive law; it is a modern instrument, a “21st century treaty”, drawing lessons from the experiences, successes and failures of other core treaties, combining international human rights law and international criminal law. We must be extremely vigilant to ensure that reforms and codifications, including those prepared by the International Law Commission and debated by the Sixth Committee of the United Nations, do not mark backward steps and regressions, in the name of the quest for the lowest common denominator. On this point, there are relevant safeguards, if only in Article 37 of the Convention, which refers to the obligations of States Parties under “*international law in force*”. However, there are many risks of regression. We need to remain extremely vigilant to ensure that the Committee's general comments and those of the Working Group are fully taken into account, since these bodies are mandated to interpret and apply the Convention to the highest standards. I will take just one example, which is very sensitive and topical: the question of military justice, which is still too often called upon to judge civilians as well as military personnel. Yet, a military court cannot be competent to prosecute the crimes of enforced disappearance, removing the victims from their “natural judges” and giving a kind of jurisdictional privilege to those responsible. These appalling crimes are crimes under ordinary law, which do not fall within the military function and which must be judged by independent and impartial courts. This fundamental principle is already enshrined in the 1992 General Assembly Declaration (Art. 16-2). It is a position that the Committee on Enforced Disappearances reiterated in an interpretative statement, following the principles on the administration of justice through military tribunals adopted by the Sub-Commission on Human Rights in 2005. The same applies to the issue of immunities, with work in progress at the International Law Commission. This is not “human rightism”, but defending recent advances in positive international law.

Finally, I believe that the vital role played by the Committee on Enforced Disappearances for over 15 years now was very well underlined by Barbara Lochbihler earlier. There is, however, one point which, out of modesty, the members of the Committee and their excellent Secretariat do not mention. Everyone is rightly pleased to see the number of ratifications rise from 20 States parties when the Convention entered into force on 23 December 2010, to 77 States parties since Poland's ratification on 30 December 2024. But it is also worth noting that the Committee, which used to meet four weeks a year to exercise its functions about the first States Parties, waited until this year to be able to meet for one more week! Five weeks is clearly insufficient to monitor the 77 States Parties, to follow up on reports through regular



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dialogue with States Parties and civil society, or to examine individual petitions. In fact, this work is carried out throughout the year, with an ever-increasing number of urgent actions that need to be addressed in real time if this innovative procedure is to be a genuine international *habeas corpus*, not to mention the field visits to particularly complex situations described in Article 33 of the Convention, which are very time-consuming and require substantial follow-up. The Secretary-General of the United Nations must therefore ensure that the Committee has the means to function independently and effectively, as provided for in the Convention (Art.26-7).

A final point of importance is that the Committee, like all the treaty bodies, has been very concerned by the question of reprisals and intimidation of people who cooperate with the Committees, who are sometimes chased in the corridors of the United Nations when they come to testify, or dissuaded from using the urgent appeal procedures! There have even been cases of family members disappearing in their own right while searching for a loved one – a horrific situation of “victimization” to create a climate of terror. On this point, at an annual meeting of treaty body chairs in San José, Costa Rica, all ten treaty bodies adopted [Guidelines against reprisals and intimidation](#) (HRI/MC/2015/6), which were then endorsed by each body. The Committee on Enforced Disappearances went even further, adopting its own [guidelines](#) in 2021 (CED/C/8), in line with the collective framework set in San José. At our Congress, listening to many courageous testimonies, we once again took the full measure of the risks taken by human rights defenders in the face of systemic violations such as enforced disappearances.

From every perspective, it is essential that United Nations mechanisms are not only reactive but also proactive in guaranteeing genuine protection, rather than appearing to be an anonymous, distant, indifferent, bureaucratic and administrative system. This imperative is close to everyone’s heart, starting with the Office of the United Nations High Commissioner, which is on all fronts.

Beyond what the Committees, Working Groups and various United Nations bodies have to do within a constrained legal framework, there is of course what civil society can do. This, I believe, is the great lesson of this meeting, through contacts, exchanges of experience, and best practices, but also movements of solidarity in the face of State threats and pressure. The creation of coalitions of grassroots associations through long-standing networks, such as FEDEFAM, which played a pioneering role, or FEMED, or brand-new networks, such as the African network whose creation has been announced, is something of capital importance because unity is strength. On this point, ICAED has set an example, and I would like to pay tribute to all the leaders and members of these networks who are present in this room for their unifying role, more essential than ever in this field.

We all represent a collective force, with a formidable creative energy, as these two days have shown. We have a solid base: a modern treaty, with its own dynamic, and with practical potential that has not yet been fully exploited. It has been “co-constructed”, with a rare commitment, by diplomats, activists, and independent experts. I believe that this is a great result after so much effort and suffering! But it is also a horizon, a goal to be reached: we need universal ratification and effective implementation – it is a “core instrument”, which has a universal vocation.



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This remains a major challenge. It is not just a question of numbers, it is because all countries need to be involved. There are indeed procedures for legal cooperation, prevention, and protection mechanisms, and international solidarity involving all States, which are important practical commitments. But it is also, and above all, because we are all concerned. It is our human condition, our common humanity that is at stake.

Thank you, good luck, and see you soon.
